

or insure that its DoD employees have access to, a procurement integrity training program. Such program shall be the responsibility of the DoD component's official in charge of acquisition, with the assistance of the legal and personnel offices, under the overall guidance of the GC, DoD. The procurement integrity training program shall, at a minimum, comply with 48 CFR 3.104–12.

(2) Heads of DoD components shall establish procedures to ensure that DoD employees receive (or have received) procurement integrity training and sign the Option Form (OF) 333, "Procurement Integrity Training Certificate for Procurement Officials," or similar certificate. Out-processing procedures shall also be established to ensure that DoD employees who leave an organization verify their status with regard to the restrictions contained in the Procurement Integrity Act (41 U.S.C. 423). An original copy of OF 333 or similar certificate should be placed in the appropriate personnel folder or other permanent file as determined by the DoD component. The individual executive the certificate should also retain a copy.

(3) The following DoD employees should receive procurement integrity training and execute the required certificate:

(i) All DoD employees who are members of the acquisition workforce;

(ii) All DoD employees who are engaged in, or who might become engaged in, procurement official activities, as set forth in 41 U.S.C. 423 and 48 CFR 3.104.

(4) This requirement may be waived if the head of the DoD component command or organization determines that the DoD employee will not act as a procurement official while assigned to the organization.

§84.42 Procedures.

(a) *Combined initial and annual ethics training (CIAET) for calendar year 1993.* (1) By December 31, 1993, all DoD employees, including those required to receive Annual Ethics Training (AET), non-appropriated fund instrumentality employees, and enlisted members, shall receive CIAET.

(2) CIAET shall be accomplished in person by a Qualified Individual or by recording in the presence of a Qualified Individual, subject to the following exceptions:

(i) If the DoD component DAEO determines it is impractical to accomplish CIAET in the presence of a Qualified Individual, DoD employees who are not required to receive AET may be trained by other means within the minimum training requirements set out by OGE in 5 CFR 2638.703 provided that, with the exception of enlisted members, such training was completed by February 3, 1993;

(ii) If the DoD component DAEO determines it is impractical to accomplish CIAET training in the presence of a Qualified Individual, then special Government employees and military officers serving on active duty fewer than 30 consecutive days annually may be trained by other means within the minimum training requirements set out by OGE in 5 CFR 2638.704;

(iii) If the DoD component DAEO makes, with the approval of OGE, a written determination that it is impractical to accomplish CIAET training in the presence of a Qualified Individual, then DoD employees who are required to receive AET may be trained by other means within the minimum training requirement set out by OGE in 5 CFR 2638.704. OGE requires the written determination to identify the particular DoD employees or groups of DoD employees concerned and the specific circumstances that make the presence of a Qualified Individual impractical (mere administrative inconvenience or cost to an agency, standing alone, shall not justify such determination).

(3) The term "immediate office" as used in 5 CFR 2638.703 shall mean the local Ethics Counselor's.

(4) CIAET shall be a minimum of one hour.

(5) Those DoD employees who are required to receive AET will satisfy their 1993 annual ethics training obligation if they attended CIAET in 1992 or 1993.

(b) *Initial ethics training (IET) for new DoD employees.* (1) Within 90 days of entering on duty, all DoD employees who did not receive CIAET, including those required to receive AET and enlisted

members, shall receive IET for new DoD employees.

(2) IET shall be accomplished in person by a Qualified Individual or by recording in the presence of a Qualified Individual, and such IET shall qualify as AET for the year the new DoD employees entered on duty, subject to the following exceptions:

(i) If the DoD component DAEO determines it is impractical to accomplish IET in the presence of a Qualified Individual, DoD employees who are *not* required to receive AET may be trained by other means within the minimum training requirements set out by OGE in 5 CFR 2638.703;

(ii) If the DoD component DAEO determines that it is impractical to accomplish IET in the presence of a Qualified Individual, then DoD employees who are required to receive AET may be trained by other means within the minimum training requirement set out by OGE in 5 CFR 2638.704 provided that such DoD employees receive additional annual ethics training, either CIAET, IET or AET, if more than three months remain of the calendar year in which those DoD employees entered on duty.

(3) The term "immediate office" as used in 5 CFR 2638.703 shall mean the local Ethics Counselor's office.

(4) IET shall be a minimum of one hour.

(c) *Annual ethics training (AET)*. (1) Beginning in calendar year 1994, all DoD employees who file an SF 278 or SF 450, contracting officers and procurement officials, shall receive ethics training annually.

(2) AET shall be accomplished in person by a Qualified Individual or by recording in the presence of a Qualified Individual, subject to the following exceptions:

(i) If the DoD component DAEO determines it is impractical to accomplish AET in the presence of a Qualified Individual, then special Government employees and military officers serving fewer than 30 consecutive days annually, may be trained by other means within the minimum training requirements set out by OGE in 5 CFR 2638.704;

(ii) If the DoD component DAEO makes a written determination that it

is impractical to accomplish AET in the presence of a Qualified Individual, then DoD employees other than special Government employees and military members serving fewer than 30 days annually may be trained by other means within the minimum training requirement set out by OGE in 5 CFR 2638.704. OGE requires the written determination to identify the particular DoD employees or groups of DoD employees concerned and the specific circumstances that make the presence of a Qualified Individual impractical (mere administrative inconvenience or cost to an agency, standing alone, shall not justify such determination).

(3) AET shall be a minimum of one hour.

(d) *Annual ethics training plans*. DoD agency (see definition of "agency") ethics training plans for 1994 and subsequent ethics training plans in accordance with paragraphs (b) and (c) of this section shall be submitted by DoD component DAEOs or designees directly to OGE with copies furnished to SOCO. DoD components that are not agencies shall submit annual ethics training plans to SOCO for approval and inclusion in the ethics training plan SOCO submits to OGE.

(e) *Ethics training assistance*. (1) SOCO shall make available ethics training for ethics trainers on an ongoing basis to ensure that Qualified Individuals are uniformly prepared to provide ethics training.

(2) SOCO shall distribute ethics training material to all DoD component DAEOs for use in all types of ethics training.

(3) Ethics training material shall include a training video with accompanying pamphlet, modular ethics training packages with copies of overhead slides, facilitator scripts, discussion hypotheticals, and handout material, and a programmed text. Other programmed texts, correspondence courses, and ethics computer games, and materials developed by DoD components will be distributed as they are developed.

(4) In the interest of Federal Government efficiency and economy, DoD components that develop ethics training develop ethics training material independently shall provide a copy of

the material to SOCO for distribution to other DoD components.

(5) At a minimum, all ethics training shall include a review of part I of Executive Order 12674, 5 CFR part 2635 and this part.

§ 84.43 Responsibilities.

(a) The Head of each DoD component shall:

(1) Exercise personal leadership and take personal responsibility through the DoD component DAE0 for establishing and maintaining the DoD component's ethics and procurement integrity training program and shall be personally accountable for the DoD component's compliance with the ethics and procurement integrity training requirements;

(2) Provide sufficient resources to enable the DoD component DAE0 to implement and administer the DoD component's ethics and procurement integrity training program.

(b) Each DoD component DAE0 shall:

(1) Be responsible for the implementation and administration of ethics and procurement integrity training and ensure that necessary resources are available to accomplish such training;

(2) Provide periodic ethics and procurement integrity training for Ethics Counselors;

(3) Certify Qualified Individuals to conduct ethics training.

(c) The head of each DoD component command or organization shall:

(1) Exercise personal leadership and take personal responsibility for establishing and maintaining the command's or organization's ethics and procurement integrity training program;

(2) Be personally accountable for the command's or organization's ethics and procurement integrity program;

(3) Ensure that DoD employees of the command or organization attend required ethics and procurement integrity training; and

(4) Direct administrative officers (or equivalent) of the command or organization to coordinate with the DoD component DAE0 or designee to develop lists of all DoD employees of the command or organization who are required to receive ethics and procurement integrity training, schedule such

training, annotate such lists to indicate when required training was accomplished and retain annotated lists for three years.

(d) The DoD SOCO shall:

(1) Make ethics and procurement integrity training for ethics trainers available on an ongoing basis to ensure that Qualified Individuals are uniformly prepared to provide such training;

(2) Distribute ethics and procurement integrity training material to all DoD component DAE0s for use in all types of ethics and procurement integrity training;

(3) Certify Qualified Individuals to conduct ethics training who may be used by DoD components.

(e) The director of each DoD component personnel office shall, in coordination with the DoD component DAE0 or designee, establish procedures in coordination with the DoD component DAE0 or designee to inform new DoD employees of their obligation to receive ethics and procurement integrity training as required.

(f) The administrative officer (or equivalent) of each DoD component command and organization shall:

(1) In coordination with the DoD component DAE0 or designee, develop lists of all DoD employees within the DoD component command or organization who are required to receive ethics and procurement integrity training;

(2) In coordination with the DoD component DAE0 or designee, ensure that DoD employees with the DoD component command or organization are scheduled to receive required ethics or procurement integrity training;

(3) Annotate such lists to indicate when required training was accomplished and retain annotated lists for three years.

(g) The DoD employees shall attend ethics and procurement integrity training as required.

Subpart L—Ethical Conduct

§ 84.44 Executive orders.

(a) See Executive Order 12674.

(b) See Executive Order 12834.